

OCA FILE

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19 April 1989  
OCA 1331-89

MEMORANDUM FOR: Deputy Comptroller  
Deputy Director for Compensation, Automation  
and Planning/OP  
Chief, Administrative Law Division/OGC

FROM:

Legislation Division  
Office of Congressional Affairs

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SUBJECT: State Housing Benefits Limitation

1. The Department of State Authorization Bill as passed by the House contains a provision (attached) which limits the housing benefits provided by the Department of State at posts abroad, except for high-ranking officials at State or other agencies. The goal is to terminate the perceived abuse caused by persons receiving housing which is more than adequate to meet their needs. State is required to file a report with the Congress explaining how it will implement this provision, which would be in effect only until 1 October 1991.

2. I ask that you examine this provision and let me know as soon as possible whether it poses problems for the Agency. You may telephone me on [redacted]

Attachment

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April 12, 1989

## CONGRESSIONAL RECORD — HOUSE

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United Nations or in treaties and conventions in force".

(3) In August 1946 the United States, pursuant to Senate advice and consent (61 Stat. 1218), voluntarily accepted the compulsory jurisdiction of the International Court of Justice in other international disputes under Article 36(2) of the Statute of the International Court of Justice, on certain conditions, and maintained such recognition for four decades from 1946 to 1986 when United States acceptance was terminated.

(4) The United States has utilized the International Court of Justice on numerous occasions to resolve disputes with other nations.

(5) In April 1984, the United States notified the Secretary General of the United Nations that the United States was suspending for two years its acceptance of the compulsory jurisdiction of the International Court of Justice in cases relating to Central America.

(6) In 1985, the United States announced it was terminating, in whole, United States acceptance (effective April 1, 1986) of the compulsory jurisdiction of the International Court of Justice.

(7) The Soviet Union, as a member of the United Nations, is also a party to the Statute of the International Court of Justice and is thus bound by Article 36(1).

(8) The Soviet Union, unlike the United States, has not since the inception of the International Court of Justice voluntarily accepted the compulsory jurisdiction of the ICJ under Article 36(2) or taken any other case voluntarily to the court.

(9) Soviet leader Mikhail Gorbachev, in his address to the United Nations in December of 1988 said: "We believe that the jurisdiction of the International Court of Justice at the Hague as regards the interpretation and implementation of agreements on human rights should be binding on all states."

(10) The Legal Advisor of the State Department is holding discussions with Soviet officials and representatives of other permanent members of the United Nations Security Council and other states to determine whether and how the International Court of Justice might be used for the peaceful settlement of international disputes through procedures that assure fairness and the protection of legitimate national interests.

(b) SENSE OF CONGRESS.—The Congress commends and strongly supports efforts by the United States to broaden the compulsory jurisdiction and enhance the effectiveness of the International Court of Justice.

Mr. DYMALLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments en bloc be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DYMALLY. Mr. Chairman, there is nothing secretive about these en bloc amendments. They are part of a series of discussions and compromises with the administration, with committees which had jurisdiction over some of these amendments and have the unanimous approval of the Committee on Foreign Affairs.

Mr. Chairman, we simply asked for a closed rule to expedite the process. Any Member who wishes to amend any one of these en bloc amendments

can do so at the end of the debate on this particular piece of legislation.

I ask for the Members' support for these amendments.

Mr. Chairman, I yield back the balance of my time.

□ 1240

Ms. SNOWE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, very briefly, I just want to express my support for this noncontroversial en bloc amendment. This amendment is largely composed of various provisions requested primarily by the administration, but also additional amendments by some of the members of the committee and outside of the committee.

We were not able to include these provisions in the overall legislation originally because they involve shared jurisdictions with other committees, and since this bill was on an expedited consideration track, we had to leave out all of these amendments until we could clear the differences with the other committee. Otherwise, this entire bill would have been delayed by sequential referrals.

This en bloc amendment also includes I think a small number of noncontroversial amendments by other Members. We satisfied three criteria, as the chairman indicated. One is they were accepted by the administration. Second, they were accepted by the Democratic managers of the bill, and third they were accepted by the Republican managers of this legislation.

We were strict in applying the criteria to what would be included in the en bloc amendment. We do so, so we could ensure that the motion is only used for the sake of efficiency in expediting consideration of this legislation. We wanted particularly to avoid the perception that the en bloc amendment contained any provisions that might otherwise have problems here on the floor of the House.

So I would urge adoption of the amendment.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from California [Mr. DYMALLY].

The amendments en bloc were agreed to.

AMENDMENTS OFFERED BY MR. DYMALLY

Mr. DYMALLY. Mr. Chairman, I offer several technical amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. DYMALLY:  
Page 25, lines 15 and 16, strike "blacks" and insert "African Americans".

Page 25, lines 9, 19, and 24, strike "black" and insert "African American".

Page 26, line 1, strike "black" and insert "African American".

Page 26, lines 8, 15, 17, and 18, strike "blacks" and insert "African Americans".

Page 28, line 2, strike "blacks" and insert "African Americans".

Page 34, line 2, strike "black" and insert "African American".

Mr. DYMALLY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DYMALLY. Mr. Chairman, these amendments simply change the word "blacks" to "African Americans." It is the new designation now for this ethnic group, and I want to be in sync with the times.

The CHAIRMAN. The question is on the amendments offered by the gentleman from California [Mr. DYMALLY].

The amendments were agreed to.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KASICH: Page 39, after line 25, insert the following new section (and amend the table of contents accordingly):

(a) GENERAL.—The Secretary may not provide any housing allowance, differential payment, provision of housing, or other comparable benefit on the basis of the representational status of any employee of the Department of State or member of the Foreign Service serving at any diplomatic or consular post abroad except if such individual is the ambassador or deputy chief of mission or a counsellor at the post, or the senior representative of an agency other than the Department of State.

(b) REPORT AND PLAN.—The Secretary of State shall provide a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the allocation of representational benefits to employees of United States diplomatic and consular posts not later than 180 days after the date of enactment of this Act. The report required by this subsection shall contain a plan which the Secretary intends to implement prior to October 1, 1991 for the limitation of such benefits at United States diplomatic and consular posts overseas.

(c) TERMINATION.—The provisions of this section shall terminate on October 1, 1991.

Mr. KASICH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KASICH. Mr. Chairman, I want to first of all compliment the chairman of the subcommittee and also the ranking member, because I think we have been able to reach some accommodations here on something I think the entire membership will find particularly interesting.

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OCA/LEG, [REDACTED] (19Apr89)

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